

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-mj-30334

v.

Kyle Hobbs,

Defendant.

**Stipulation and Proposed Order to Continue the
Preliminary Examination and Find Excludable Delay**

The parties jointly submit this stipulation and request that the Court order the time period in which an indictment must be returned be continued for 30 days and find that the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment. The parties agree that the preliminary hearing date currently scheduled for August 27, 2021, should be adjourned to September 29, 2021.

Ordinarily, an indictment must be returned within thirty days from the date on which a defendant is arrested on a complaint. 18 U.S.C. § 3161(b). That period may be continued by the Court, however, and under some circumstances the resulting period of delay may be found to be excludable delay for purposes of the

30-day clock of § 3161(b). 18 U.S.C. § 3161(h)(7)(A). The parties jointly request that the Court continue the period in which an indictment must be returned by 30 days, because the parties need more time to meet and confer regarding the charges. This additional time is necessary, in part, because of the effect of the Covid-19 pandemic on the parties' ability to meet and confer. Failure to grant a continuance would likely make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Since the last time the preliminary examination was adjourned, the government has provided some discovery to the defense and the parties have discussed the case briefly. Additional time is necessary to allow the parties to meet and confer and to further review discovery.

The parties further stipulate and request that the Court find that, in light of the factors set forth in § 3161(h)(7)(B), the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment, and that such time should therefore be excluded from the time within which an indictment must be filed. *See* 18 U.S.C. § 3161(h)(7)(A) (allowing for periods of excludable delay).

IT IS SO STIPULATED.

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s/Kevin M. Mulcahy

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s/Samuel Bennett (with consent)

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Date: August 23, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-mj-30334

v.

Kyle Hobbs,

Defendant.

**Order Continuing the
Preliminary Hearing Date and Finding Excludable Delay**

The Court has considered the parties' stipulation and joint motion to continue for 30 days the time period in which an indictment must be filed and hereby grants that request. For the reasons described in the parties' submission, which the Court adopts as its own, the Court specifically finds that failure to grant a continuance would likely make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court finds, after considering the factors set forth in 18 U.S.C. § 3161(h)(7)(B), that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial and that

the 30-day continuance qualifies as excludable delay under 18 U.S.C.

§ 3161(h)(7)(A).

IT IS THEREFORE ORDERED that the preliminary examination currently set for August 27, 2021, be adjourned to September 29, 2021, and that the time period be excluded under 18 U.S.C. § 3161(b).

IT IS SO ORDERED.

s/Kimberly Altman
Hon. Kimberly G. Altman
United States Magistrate Judge

Entered: 8/23/2021